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October 8, 2019

Via Electronic Email Only

Public Employment Relations Board
Kristina Gonzalez, Assistant to the Board
kristina.gonzalez@perb.ca.gov

Re: PERB Regulation Amendments – Mastagni Holstedt Comments

Dear Board:

On behalf of Mastagni Holstedt, A.P.C., please find our firm's comments on the proposed changes to the regulations governing recusals and filing requirements.

Recusals

Regulation 32155(a)(4)(A) and (B) provide for a "one year" period under which personnel, Board members, and Legal Advisors (hereafter "PERB Representatives") are obligated to recuse themselves. However, the one-year period does not cure any actual conflict under the circumstances enumerated in (i)-(iii).

The language should state recusal is required for personnel, Board members, and Legal Advisors if at any time he or she was involved in the circumstances outlined in (i)-(iii).

Filing Regulations

Regulation 32140 Service; Proper Recipient

Subdivision (d), subsection (D) provides for service in the case of a public agency employer and limits proper service to the "individual designated to receive service or the chief executive officer." The requirement may inhibit employee organizations from effectuating proper service. The change does not create clarity because it leaves confusion as to who is authorized to accept service. Similarly, subsections (E)-(G) leave ambiguity as to who the "individual designated to receive service" is for employee organizations or individuals attempting to effectuate proper service.

Public Employment Relations Board
Re: PERB Regulation Amendments
October 8, 2019

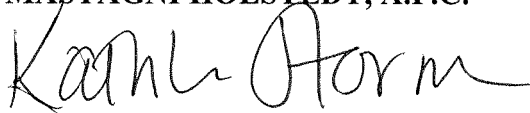
Page 2

Regulation 32700 – Proof of Support

The changes increase the burden on employee organizations seeking status as the exclusive representative by requiring original documentation and signatures.

Sincerely,

MASTAGNI HOLSTEDT, A.P.C.

A handwritten signature in black ink, appearing to read "Kathleen Storm", written over the printed name.

KATHLEEN N. MASTAGNI-STORM
Attorney at Law

KNS/prb